

Remarks

Applicants' acknowledge that claims 100-104, 138-140 and 144-151 were withdrawn by the Office. Claims 100, 103 and 145-151 have each been amended to depend from a claim that reads on the elected invention and Applicants respectfully request examination of those claims. Therefore claims 101, 102, 104, 138-140 and 144 are now withdrawn without prejudice to their patentability and presentation in a continuing application.

Claims 1-66, 77-90, 94, 95, 98 and 105-109 are canceled without prejudice to their patentability and presentation in a continuation application.

Claim 99 is amended by definition of the term "n." The amendment is supported by the specification at page 40, line 21 to page 41, line 15. Structures (44) and (45) at page 40 generally correspond to structures (88) and (89), respectively, of claim 99. In particular, the alkoxyated moiety, $(R^6O)_n$, of structures (88) and (89), corresponds to the alkoxyated moiety, $(R^2O)_x$, of structures (44) and (45) wherein x is defined at page 41, line 15 as being from 1 to about 60. Further support is provided in the working examples as follows: (a) Surfactant formula (89) corresponds to reference structures S55-S57 at page 174 wherein those structures have n values of 4, 10 and 20, respectively; and (b) surfactant formula (88) corresponds to reference structure $C_w-O-(EO)_x-(CH_2)_3-NH_2$ at page 152 having x values of 7-20, wherein x corresponds to n of formula (88).

Claims 131 and 135 have been amended to depend from a claim having a broader concentration range. The concentration ranges of claims 129 and 130 were amended so that those claims now contain a narrower range than their respective parent claim. Thus, the range of amended claim 129 is supported by original claim 130 and the range of amended claim 130 is supported by original claim 129.

Claims 152-178 are new. Independent claims 152 and 162 are supported by original claim 67 and page 101, line 22 to page 102, line 10 of the specification. Claims 153-161 and 163-171, which depend from claims 152 and 162, respectively, are supported by original claims 68-76. Claim 172 is supported by original claim 82 and page 8, lines 24-29 of the specification. Claims 173-178 are supported at page 97, lines 7-34 of the specification.

Upon entry of the amendments, claims 67-76, 91-93, 96, 97, 99, 100, 103, 110-137, 141-143 and 145-178 will be pending.

I. Objection of claims 2 and 5 under 37 CFR §1.75

Claims 2 and 5 are cancelled thereby rendering moot the objection under 37 CFR §1.75.

II. Rejection of claims 6, 99, 130, 131 and 135 under 35 U.S.C. §112, second paragraph

Claim 6 is cancelled thereby rendering moot the rejection under 35 U.S.C. §112. Claim 99 is amended to define "n." Claims 130, 131 and 135 have been amended to depend from a claim having a broader concentration range. The Applicants respectfully submit that amended claims 99, 130, 131 and 135 meet the requirements under 35 U.S.C. §112, second paragraph.

III. Rejection of claims 1-99, 105-137 and 141-143 under 35 U.S.C. §103(a)

Reconsideration is requested of the rejection of pending claims 67-76, 91-93, 96-99, 103, 110-137 and 141-143 under 35 USC §103(a). Applicants submit that those claims are patentable over the combined teachings of Ward et al. (US 6,093,681), Wright et al. (US 5,750,468), Suzuki et al. (US 6,313,074), Beestman et al. (US 4,159,901) and Turner¹.

A. The Present Invention

The applicants have discovered and disclosed that aqueous pesticide formulations containing a herbicide, such as the potassium salt of glyphosate, surfactants that form anisotropic aggregates on or in the foliage of a plant, and other adjuvants such as dicarboxylic acids facilitate the introduction, uptake and translocation of glyphosate throughout the plant and thereby increase herbicidal efficacy over herbicidal formulations currently available.

The applicants have further discovered and disclosed that aqueous pesticide formulations containing in excess of 300 grams acid equivalent ("a.e.") per liter of the potassium salt of glyphosate and one or more surfactants exhibit enhanced viscosity

¹Turner, D. J. "Effects on glyphosate performance, additives and mixing with other herbicides." *The Herbicide Glyphosate*, Chapter 15, pages 221-239 Grossbard et al., ed., Butterworths (1985).

characteristics and lighter color over potassium glyphosate concentrate formulations known in the art. The present invention takes advantage of the high specific gravity of concentrated aqueous solutions of potassium glyphosate salt thereby delivering to the user a significantly higher weight of active ingredient per unit volume than similarly formulated solutions of other salts of glyphosate, such as the isopropylamine ("IPA") salt.

B. The Pending Claims

Claim 67 and new claims 152 and 162, and the claims that depend therefrom, are directed to an aqueous mixture containing glyphosate or a salt or ester thereof, a dicarboxylic acid and a surfactant, wherein upon application of the formulation to the foliage of a plant, anisotropic aggregates comprising the surfactant are formed on the foliage of the plant. In addition: claim 152 requires plant growth control in excess of that of a reference formulation devoid of the dicarboxylic acid but otherwise similarly formulated; and claim 162 requires a weight ratio range of the surfactant to the dicarboxylic acid between about 1:1 and about 50:1.

Claims 91-93, 96 and 97, and the claims that depend therefrom, are each directed to an aqueous herbicidal concentrate composition comprising glyphosate, predominantly in the form of the potassium salt thereof, in an amount in excess of 300 g a.e. per liter and a surfactant component in solution or stable suspension, emulsion or dispersion comprising one or more surfactants in a total amount of between about 20 to about 300 grams per liter. In addition: claim 91 requires a composition viscosity of less than about 250 centipoise at 0°C at 45/s shear rate; claim 92 requires a composition free of dye or colorant and a Gardner color value of not more than 14; claim 93 requires a viscosity less than a similarly formulated composition comprising an alkylpolyglycoside ("APG") surfactant in combination with an alkylamine ("AA") surfactant in an APG to AA weight ratio of between about 5:1 and about 1:1; claim 96 requires velvetleaf control greater than a similarly formulated composition comprising an APG surfactant in combination with an AA surfactant in an APG to AA weight ratio of between about 5:1 and about 1:1; and claim 97 requires a viscosity of less than about 250 centipoise at 0°C at 45/s shear rate and a surfactant component comprising a glyphosate compatibilizing amount of one or more amine or quaternary ammonium compounds, each of which comprises an alkyl or aryl substituent having from about 4 to about 16 carbon atoms and not more than ten ethylene oxide linkages within the compound

Claim 110, and the claims that depend therefrom, are directed to aqueous herbicidal concentrate compositions comprising glyphosate, predominantly in the form of a salt selected from the Markush group, in an amount in excess of 300 g a.e. per liter and a surfactant component in solution or stable suspension, emulsion or dispersion, comprising a surfactant selected from the Markush group in a total amount of between about 20 to about 300 grams per liter.

New claim 173, and the claims that depend therefrom, are directed to aqueous herbicidal concentrate compositions comprising glyphosate predominantly in the form of the potassium salt thereof, a second herbicide predominantly in the form of a salt thereof, and a surfactant component in solution or stable suspension, emulsion or dispersion comprising one or more surfactants in a total amount of between about 20 and about 300 grams per liter, and wherein the total herbicide concentration is between about 360 and about 570 grams a.e. per liter.

C. The Cited Art

Ward discloses a method of applying a pesticide (e.g., glyphosate) to a plant, the method comprising contacting plant foliage with the pesticide and contacting the same foliage with a first amphiphilic excipient substance that forms anisotropic aggregates in or on a wax layer in the presence of a second excipient substance. Wright describes compositions containing up to 500 g a.e./l glyphosate and etheramine surfactants. Dicarboxylic acids are not taught or even remotely suggested by either reference. Ward or Wright therefore do not describe or suggest compositions comprising a dicarboxylic acid, glyphosate and a surfactant that form anisotropic aggregates on the foliage of a plant as required by pending claim 67 as well as new claims 152 and 162.

As to concentrated aqueous solutions containing in excess of 300 grams a.e. per liter of potassium glyphosate and about 20 to about 300 grams per liter of a surfactant component, Ward or Wright do not describe or suggest the advantages of lower viscosity as required by claim 91 or lower Gardner color as required by claim 92. Moreover, Ward or Wright do not further suggest potassium glyphosate concentrates having greater control of velvetleaf growth as required by claim 96 or lower viscosity as required by claim 93 versus similarly loaded compositions having a surfactant component comprising an APG surfactant in combination with an AA surfactant in an APG to AA weight ratio between about 5:1 and about 1:1. Nor do Ward or Wright in any way suggest a viscosity of less than about 250 centipoise at 0°C and 45/s shear rate for the potassium glyphosate concentrates wherein

the surfactant component comprises one or more amine or quaternary ammonium salt compounds each comprising an alkyl or aryl substituent having from about 4 to about 16 carbon atoms and not more than then ethylene oxide linkages as required by claim 97. Finally, Ward and Wright fail to suggest aqueous glyphosate concentrates having in excess of 300 g a.e. per liter of a glyphosate salt selected from the Markush group of claim 110 in combination with one or more surfactants selected from the Markush group of that claim.

Suzuki, Beestman and Turner do not describe or suggest aqueous compositions comprising glyphosate, a dicarboxylic acid and a surfactant that form anisotropic aggregates as required by claim 67, nor that any pesticidal enhancement may be achieved by those compositions as further required by new claim 152, or a surfactant to dicarboxylic acid weight ratio of 1:1 to 50:1 as required by new claim 162.

Suzuki describes nonionic alkoxyated alcohol agricultural chemical enhancers optionally comprising a surfactant. Surfactants are generically described at column 3:9 to 3:57 and anisotropic aggregate formation by the enhancer or surfactant is not disclosed or suggested. Glyphosate salts other than the IPA salt and concentrate compositions are not described or suggested. Suzuki discloses at column 3:66 to 5:21 that chelating agents may be added to the enhancer with dicarboxylic acids being but one example in a long list of chelators described at column 4:1-57; preferred chelators are not identified. Suzuki does not suggest that the chelators cause any pesticidal enhancement. Working example 1, Table 3 (at column 11) is directed to tank mixes of IPA glyphosate and various components which are described in Table 2 (at column 10), with components 4, 5 and 18 being directed to EDTA (a tetra-carboxylic acid chelator) and component 9 being directed to NTA (a tri-carboxylic acid chelator). Working examples for dicarboxylic acids such as oxalic acid are not provided. Suzuki thus teaches away from the present invention and would have lead one of skill in the art to conclude that chelators having three or four carboxylic acid groups are preferred over dicarboxylic acids. This conclusion is contrary to Applicants' discovery.

Beestman describes adding oxalic acid to IPA glyphosate in tank mixes formed from hard water (i.e., water containing 2000 or more parts per million of calcium or magnesium ions) to restore the herbicidal activity lost by the presence of the ions. Glyphosate salts other than the IPA salt and concentrate compositions are not described or suggested. Thus Beestman describes the use of oxalic acid as a chelator to maintain herbicidal activity and does not disclose or suggest that herbicidal activity can be increased by any dicarboxylic acid. Beestman generically describes various nonionic, cationic and anionic surfactants, including tallowamine ethoxylates, at column 3:18-63 that can be used in agricultural formulations, but does not describe or suggest that the surfactants can form anisotropic

aggregates. Moreover, Beestman does not describe surfactant concentrations thereby preventing surfactant to oxalic acid ratios from being determined.

Turner (1985) discloses that glyphosate can be inactivated by many divalent and trivalent cations, such as by calcium ions in hard water. Turner at pages 229-230 describes the addition of acid in 2% concentration to ROUNDUP® (i.e. IPA glyphosate and surfactant) tank mixes. ROUNDUP® has been described in the art to contain polyoxyethylene (15) tallowamine surfactant (see for example US 6,093,681 at column 37:45 to 38:32) to restore the glyphosate efficacy lost by the presence of the ions. Turner at page 223-225 generally describes surfactants suitable for use in IPA glyphosate formulations but does not describe or suggest that anisotropic aggregates comprising the surfactant can form on plant foliage. Turner fails to disclose the surfactant concentration, hence surfactant to dicarboxylic acid weight ratios cannot be determined. To fill in this gap Applicants reviewed Turner and Loader (1978)², from which the data of the 1985 Turner reference was obtained, and calculated that the tank mixes described by that reference teach very high oxalic acid loading as represented by a surfactant ("S") to oxalic acid ("OA") weight ratio between about 1:27 and about 1:54,³ outside the range required by new claim 162.

Turner (1985) further describes that the addition of divalent and trivalent acids such as oxalic, citric, tartaric, phosphoric and lactic sequester (i.e. chelate) the ions to remove the antagonism. As with Beestman, Turner describes restoring the herbicidal activity lost by the presence of the ions, but in no way even suggests that dicarboxylic acids such as oxalic acid can increase herbicidal bioefficacy. The *Agropyron repens* shoot growth control data reported by Turner in Table 15.4, page 230, indicates for IPA glyphosate tank mixes: that at a glyphosate application rate of 0.2 kg/ha orthophosphoric acid and oxalic acid provide similar control while tartaric acid gives about 40% greater control than oxalic acid; and at a

²See D.J. Turner and M.P.C. Loader, *Complexing agents as herbicide additives* (1978), Weed Research 1978, Volume 18, 199-207. Submitted to the USPTO as reference number 75 in the Supplemental IDS of December 24, 2003 which accompanies this response.

³ 0.2 kg glyphosate/ha ÷ 200 L/ha (see column 1 at page 201) × 1000 g/kg = 1 g/L ≈ 0.1% glyphosate a.i. ROUNDUP® has been described in the art to contain about 41% a.i. glyphosate IPA and about 15% by weight polyoxyethylene (15) tallowamine surfactant (see for example US 6,093,681 at column 37:45 to 38:32). By calculation, a ROUNDUP® tank mix containing 0.1% by weight glyphosate a.i. contains about 0.1 × 15/41 = 0.037 wt% surfactant. At a 2 wt% oxalic acid loading, a S:OA weight ratio of about 0.037:2 ≈ 1:54 results. A similar calculation for a 0.4 kg a.i./ha glyphosate tank mix gives a S:OA weight ratio of about 1:27.

glyphosate application rate of 0.4 kg/ha tartaric acid and oxalic acid give similar control. Applicants have further reviewed the Turner and Loader (1978) reference from which the data of Table 15.4 was obtained. That reference at page 202, Table 1, discloses that at application rates of 0.2 kg/ha and 0.4 kg/ha oxalic acid and citric acid provide similar *Agropyron repens* rhizome control while phosphoric acid and tartaric acid give greater control than oxalic acid. Turner thus suggests that dicarboxylic acids provide similar or less glyphosate bioefficacy enhancement than do inorganic acids (e.g., phosphoric acid) and tricarboxylic acids (e.g., citric acid), a conclusion contrary to Applicants' discovery. Applicants' discovery that glyphosate bioefficacy enhancement, as compared to mere restoration of herbicidal activity through ion chelation as described by Turner, can be achieved in compositions forming anisotropic aggregates on plant foliage and including surfactant in a weight excess over oxalic acid is surprising and unexpected. Hence, Turner teaches away from the present invention and provides no motivation or guidance for the selection of dicarboxylic acids over other acids.

As to the potassium glyphosate concentrates of claims 91-93, 96 and 97, and the glyphosate concentrate of claim 110, Suzuki, Beestman and Turner fail to teach or suggest glyphosate concentrates and glyphosate salts other than IPA. Suzuki describes tank mixes and generically discloses glyphosate and salts, but only the IPA salt is described (column 7:30-31 and 7:50-51). Likewise, Beestman and Turner teach tank mixes and describe only the IPA salt of glyphosate. Suzuki, Beestman and Turner, considered singly or in combination, thus do not teach or suggest compositions containing potassium glyphosate at any concentration, much less at concentrations exceeding 300 g a.e. per liter as required by each of independent claims 91-93, 96 and 97. Further, those references provide no teaching regarding the lower viscosity as required by claims 91, 93 and 97, the color advantages as required by claim 92, or the surfactant components required by claim 110. Nor do Suzuki, Beestman or Turner suggest potassium glyphosate concentrates having greater control of velvetleaf growth versus similarly loaded compositions having a surfactant component comprising an APG surfactant in combination with an AA surfactant in a APG to AA weight ratio between about 5:1 and about 1:1 as required by claim 96.

D. Patentability of the pending claims under 35 U.S.C. §103(a) over the cited art

The subject matter of a claim is *prima facie* obvious in view of particular references if the Office can demonstrate that (1) the references, alone or together, describe every

element of the claims, (2) there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references, and (3) there is some reasonable expectation of success.⁴

As detailed in **III. C.** above, Applicants respectfully submit that Ward, Wright, Suzuki, Beestman and Turner references taken singly do not disclose or suggest each element of claims 67, 91-93, 96, 97 and 110, nor the claims that depend therefrom.

Moreover, as detailed in **III. C.**, the cited art taken collectively does not disclose or suggest a combination having the components of claims 67, 91-93, 96, 97 and 110, nor the claims that depend therefrom.

Suzuki, Beestman, Turner and Wright are silent regarding surfactants that form anisotropic aggregates on plant foliage. Suzuki, Beestman and Turner fail to teach that dicarboxylic acids can increase herbicidal bioefficacy, while Wright is devoid of any description of dicarboxylic acids. These references would not have motivated one of ordinary skill in the art to select a dicarboxylic acid and one would not have had a reasonable expectation of success in increasing herbicidal bioefficacy in making such a selection. The deficiencies of those references cannot be cured by the importation of the teaching of Ward which describes anisotropic aggregates but is absolutely devoid of any suggestion of adding dicarboxylic acids to aqueous glyphosate compositions that form anisotropic aggregates on plant foliage. The disclosures of those references would not have motivated one skilled in the art to combine their teachings to arrive at instant claims 67, 152 or 162. Thus, claim 67 and new claims 152 and 162 meet the requirements under 35 U.S.C. §103(a) and are patentable over the cited references taken in combination.

None of the references describe or suggest the advantages of lower viscosity associated with potassium glyphosate concentrates. In particular, Ward and Wright do not disclose any viscosity advantage associated with concentrates containing any glyphosate salt, much less the instantly claimed concentrates requiring aqueous solutions containing in excess of 300 grams a.e. per liter of potassium glyphosate and about 20 to about 300 grams per liter of a surfactant component. Thus Ward and Wright do not teach the viscosity advantage associated with the instantly claimed potassium glyphosate concentrates or provide any basis or motivation for the selection of potassium glyphosate concentrates over other glyphosate salt concentrates in order to realize that advantage. Suzuki, Beestman and Turner are devoid of any teaching or suggestion of glyphosate concentrates, glyphosate salts other than IPA, or the lower viscosity attributable to potassium glyphosate

⁴See MPEP § 2142.

concentrates. Thus, the deficiencies of Ward and Wright are not overcome by the teaching of Suzuki, Beestman and Turner, and claims 91, 93 and 97 meet the requirements under 35 U.S.C. §103(a) and are patentable over the cited references taken in combination.

None of the references describe or suggest the advantages of lower Gardner color associated with the glyphosate concentrate of claim 92. In particular, Ward and Wright do not disclose any color advantage associated with potassium glyphosate concentrates which are free of alkyl polyglucosides, or that only contain alkyl polyglucosides having a light color of not more than 14,⁵ much less the instantly claimed concentrates requiring aqueous solutions containing in excess of 300 grams a.e. per liter of potassium glyphosate and about 20 to about 300 grams per liter of a surfactant component. Thus Ward and Wright do not teach the color advantage associated with the instantly claimed potassium glyphosate concentrates or provide any basis or motivation for the selection of surfactant components that provide compositions, when free of dye or a coloring agent, having a Gardner color value of not more than 14. Suzuki, Beestman and Turner are devoid of any teaching or suggestion of glyphosate concentrates, glyphosate salts other than IPA, or the lower color attributable to the surfactant component of the claimed potassium glyphosate concentrates. Thus, the deficiencies of Ward and Wright are not overcome by the teaching of Suzuki, Beestman and Turner, and claim 92 meets the requirements under 35 U.S.C. §103(a) and is patentable over the cited references taken in combination.

As to claim 96, none of the cited references suggest potassium glyphosate concentrates having greater control of velvetleaf growth versus similarly loaded compositions having a surfactant component comprising an APG surfactant in combination with an alkoxyated alkylamine ("AA") surfactant in a APG to AA weight ratio between about 5:1 and about 1:1. Thus, claim 96 meets the requirements under 35 U.S.C. §103(a) and is patentable over the cited references taken in combination.

Ward or Wright do not describe or suggest a surfactant selected from the Markush group of claim 110. Suzuki does not describe glyphosate concentrates, describes only the IPA salt of glyphosate⁶, and requires an alkoxyated alcohol enhancer, said enhancers being excluded from the Markush group of claim 110. Beestman and Turner disclose dialkoxyated amine surfactants (e.g., tallowamine ethoxylates) as depicted by formula (71) of amended claim 110(f) but do not describe or suggest glyphosate concentrates,

⁵ See page 6, lines 35 to page 7 line 8, page 11, lines 8-16, and page 65, lines 21-25.

⁶ The IPA salt of glyphosate is excluded from the Markush group of claim 110.

glyphosate salts other than IPA, or that the claimed surfactants would form stable concentrates in compositions containing any salt of glyphosate, much less non-IPA salts. The teachings of Ward, Wright, Suzuki, Beestman and Turner particularly fail to make it obvious to select the glyphosate salts and surfactants of claim 110 for the preparation of stable aqueous concentrate compositions having a glyphosate concentration in excess of 300 grams acid equivalent per liter. Among the many possible glyphosate compositions proposed in the art, the cited references offer no guidance that would have enabled one skilled in the art to select the compositions of claim 110. Applicants, on the other hand, have invented stable concentrates containing a selection of glyphosate salts, glyphosate concentration and surfactants not described or suggested by the references. Those references considered in combination therefore do not render claim 110 obvious under 35 U.S.C. §103(a).

Without reference to the teaching of the instant invention, one would not have had a reasonable expectation of success in: (a) adding a dicarboxylic acid to glyphosate formulations that form anisotropic aggregates comprising a surfactant as required by claim 67; (b) formulating potassium glyphosate concentrates having reduced viscosity or color as required by claims 91-93 and 97; (c) formulating potassium glyphosate concentrates having increased velvetleaf control as compared to a similarly prepared glyphosate formulation except having a surfactant component containing a weight ratio of APG to AA between about 5:1 and about 1:1 as required by claim 96; or (d) formulating stable glyphosate concentrates comprising glyphosate salt and surfactant components required by the Markush groups of claim 110. Therefore, the combination of references, when viewed by one skilled in the art, would at best have been obvious to try, which without reasonable expectation of success is an improper standard for rejection under 35 U.S.C. §103(a). The courts have consistently held that the test for a *prima facie* case of obviousness is not whether an invention is obvious to try.⁷ Instead, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references, and there must be some reasonable expectation of success. The Office has not met this legal standard.

The Office states that the motivating force for combining the references is "because they disclose the utility enhancing effects of additives in glyphosate compositions." A determination of obviousness requires evidence which establishes not merely what one skilled in the art might be led to attempt, but that she have a reasonable basis in the art for

⁷See *In re O'Farrell*, 7 U.S.P.Q.2d 1673, 1680-81 (Fed. Cir. 1988).

expecting to succeed. "The invention must be viewed not with the blueprint drawn by the inventor, but in the state of the art as it existed at that time."⁸ Moreover, it is improper to use the claims as a frame from which individual naked parts of separate prior art references may be employed as a mosaic to recreate the claimed invention.⁹ The cited art is silent, and does not even suggest combining dicarboxylic acids with glyphosate formulations that form anisotropic aggregates on plant foliage as required by claim 67; achieving reduced viscosity or color in potassium glyphosate concentrates as manifested in the requirements of claims 91-93 and 97; enhanced velvetleaf control as required by claim 96; or the glyphosate salt and surfactant combinations as required by claim 110. The law requires not merely a rational hope, but a concrete basis to expect success. Applicants therefore respectfully submit that the cited art, singly or in combination, provides no teaching, motivation or suggestion for the claimed compositions.

E. Conclusion

For the foregoing reasons, it is respectfully submitted that the Office has failed to establish that claims 67, 91-93, 96, 97 and 110, nor the claims that depend therefrom, are *prima facie* obvious in view of Ward, Wright, Suzuki, Beestman and Turner. Therefore, Applicants submit that claims 67-76, 91-93, 96, 97, 99, 100, 103, 110-137, 141-143 and 145-151, as well as new claims 152-178, meet the requirements under 35 U.S.C. §103(a) and are in condition for allowance.

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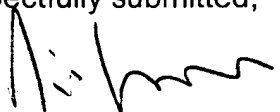
Enclosed is a check in the amount of \$950.00 for the purchase of a three-month extension of time under 37 C.F.R. §1.136(a). The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 19-1345.

⁸quoting *Interconnect Planning Corp. v. Feil* 227 USPQ 543 at 547 (Fed. Cir. 1985).

⁹*Id.* at 551.

MTC 6647.2
PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Harper', with a stylized, wavy line extending from the end.

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